

REMARKS

Claims 10-14 are in the application. Claims 1-9 have been canceled previously. Claims 10-14 are amended. Basis for the amendment to claim 13 is found on page 12, lines 19-36.

1. Claims 10-14 have been rejected under 35 USC 112, first paragraph, as non-enabling for "solvates." In view of the amendments to claims 10-14 this rejection is now moot.

2. Claims 12 and 13 have been rejected under 35 USC 112, first paragraph, as non-enabling for "neurological disease. In view of the amendments to claim 13 this rejection is now moot.

3. Claims 10-14 have been rejected under 35 USC 112, second paragraph for the following:

(a) Claim 11 recites the limitation "cyclohexylpropyl" in the 8th species on page 6 (Example 20 (E20) in the specification) with insufficient antecedent basis;

(b) Claim 14 uses the phrase "such as" rendering the claim indefinite.

With respect to (a) and Claim 11, Applicants have amended Claim 10 to recite that X can be C₁₋₆alkyl, basis for which is found in the specification (WO2005/097778) at page 2, line 22 and page 5, line 40.

With respect to (b), Claim 14 has been amended.

In view of the amendment to claims 11 and 14 this rejection is now moot.

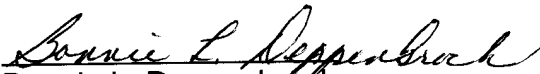
4. Claims 10 and 12-14 have been rejected under 35 USC 102(a) as being anticipated by Heightman et al., WO 2004/035544. It is the Examiner's position that Heightman et al. teaches the compounds, compositions, method of use and process of preparing the compounds of formula (I) where R¹ is cyclopropylmethyl; R² is 1-isopropyl-piperidin-4-yl; and n is 0, see Example 34 on page 18. Applicants have amended Claim 10 to include the proviso --with the proviso that a compound of formula (I) is not 3-cyclopropylmethyl-7-(1-isopropyl-piperidin-4-yloxy)-2,3,4,5-tetrahydro-1H-benzo [d]azepine-- to exclude the compound of Example 34 of the reference. In view of the amendment to the

claim it is respectfully requested that this rejection be reconsidered and withdrawn.

It is respectfully submitted that the present application is in condition for allowance. Reconsideration and withdrawal of the rejections are earnestly solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,


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